

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

STEPHEN M. McFARLAND and CHERYL
C. McFARLAND, husband and wife,

Plaintiffs,

v.

MORTGAGE RESOURCE
CORPORATION, a foreign corporation, et
al.,

Defendants.

No. C04-523Z

MINUTE ORDER

The following Minute Order is made by direction of the Court, the Honorable Thomas S. Zilly, United States District Judge:

(1) Defendants' Motion to Compel and for Sanctions, docket no. 89, is DENIED. Plaintiffs did not consent in writing to service via e-mail. See Fed. R. Civ. P. 5(b)(2)(D). The Requests for Production were not properly signed as required by Fed. R. Civ. P. 26(g)(2). No sanctions are warranted against Plaintiffs because they had no obligation to respond to unsigned Requests pursuant to Fed. R. Civ. P. 26(g)(2).

(2) The Court will grant Plaintiffs' their attorney's fees in connection with their opposition to this motion, pursuant to Fed. R. Civ. P. 37(a)(4)(B), unless Defendants can show why their Motion was substantially justified. Defendants may submit a supplemental brief not to exceed five (5) pages explaining why their Motion was substantially justified. This brief shall be submitted within 10 days of this Order. No response shall be permitted unless the Court later orders a response.

1 (3) The Clerk is directed to send a copy of this Minute Order to all counsel of
2 record.

3 Filed and entered this 30th day of June, 2005.

4 BRUCE RIFKIN, Clerk

5 s/ Casey Condon
6 By _____
7 Casey Condon
8 Deputy Clerk
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